Calendar No. 164

98TH CONGRESS, 1st Session | SENATE | REPORT No. 98-106

AUTHORIZATION OF CERTAIN FISHERY PROGRAMS

MAY 16, 1983.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1101]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1101) to authorize appropriations for certain fishery programs, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The bill, as reported, reauthorizes three fishery acts due to expire at the end of fiscal year 1983. The reauthorization covers fiscal years 1984, 1985, and 1986, except in the case of the Fisheries Loan Fund which is only reauthorized for fiscal year 1984.

BACKGROUND AND NEEDS

Appropriation authorization for the following laws will expire September 30, 1983:

1. The National Aquaculture Act of 1980;
2. The Atlantic Tunas Convention Act of 1975;
3. Section 4 of the Fish and Wildlife Act of 1956.

New authorizations must be enacted if the activities carried out under these acts are to be funded beyond the current fiscal year.

LEGISLATIVE HISTORY

A hearing before the full Commerce Committee was held on March 10, 1983. Administration testimony was received from Mr. William G. Gordon, Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. Testimony was also received from individuals representing:

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1. the Regional Fishery Management Councils;
2. the Regional Fishery Development Foundations;
3. commercial fishermen;
4. the fish processing industry; and
5. recreational fishing interests and State fisheries directors.

S. 1101 was introduced on April 19, 1983. On April 21 the Committee unanimously reported the bill to the Senate without amendment.

SUMMARY OF MAJOR PROVISIONS

As reported, S. 1101 would:

1. Authorize an appropriation, pursuant to section 10 of the National Aquaculture Act, of not to exceed $2 million each to the Departments of Commerce and Agriculture and $1 million to the Department of the Interior for each of fiscal years 1984, 1985 and 1986.
2. Authorize the appropriation of "such sums as may be necessary" for fiscal years 1984, 1985, and 1986 for the Atlantic Tunas Convention Act of 1975.
3. Extend through fiscal year 1984 the existence of the revolving fund known as the Fisheries Loan Fund which is provided for in section 4 of the Fish and Wildlife Act of 1956.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., May 4, 1983.

Hon. Bob Packwood,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1101, a bill to authorize appropriations for certain fishery programs.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,
Alice M. Rivlin, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

May 4, 1983.

1. Bill number: S. 1101.
2. Bill title: A bill to authorize appropriations for certain fishery programs.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science and Transportation, April 21, 1983.
4. Bill purpose: S. 1101 extends through fiscal year 1986 the programs authorized by the National Aquaculture Act of 1980 as well as

the United States payment to support the Atlantic Tunas Convention Act of 1975. It would also reauthorize the Fisheries Loan Fund in the Department of Commerce (DOC) through 1984.

Fiscal year 1983 appropriations to date for the Fisheries Loan Fund are $10 million; approximately $0.1 million has been provided for the Atlantic Tunas Convention. No appropriations have been made available for the activities authorized by the National Aquaculture Act. Except for $0.1 million for the Atlantic Tunas Convention, the President is not requesting appropriations for the remaining programs in 1984.

5. Estimated cost to the Federal Government:

	Millions
Authorization level:	
Fiscal year:	
1984	$5.1
1985	5.1
1986	5.1
1987	-----
1988	-----
Estimated outlays:	
Fiscal year:	
1984	4.1
1985	5.1
1986	5.1
1987	1.0
1988	-----

In addition, S. 1101 would authorize through 1984 the use of funds received from repayments and interest on outstanding loans issued by the Fisheries Loan Fund. It is estimated that by the end of fiscal year 1983 approximately $1 million from loan repayments and $46 million from fee collections would be available for appropriation in 1984. CBO's baseline estimate for the Fisheries Loan Fund budget authority is $10.5 million for 1984.

The costs of this bill would fall within budget functions 300, 350 and 370.

Basis of Estimate.—For purposes of this estimate, it was assumed that the amounts specified in the bill would be appropriated prior to the beginning of each fiscal year. The estimated authorization level of $0.1 million in each of the fiscal year 1984 through 1986 for the Atlantic Tunas Convention reflects the 1983 appropriated level adjusted for inflation. Outlays from each year's appropriation were assumed to be 80 percent the first year and 20 percent the second year.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Mary Maginniss.
10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

Authorization for aquaculture activities are reduced from $12 million to $2 million annually for Department of Commerce and the De-

partment of Agriculture, and from $5 million to $1 million annually for the Department of the Interior.

The operation of and authorizations for both the Atlantic Tunas Convention Act and the Fisheries Loan Fund remain unchanged by S. 1101.

The bill provides no new authority for the regulation of individuals or businesses. In fact, with the lower budget authority provided by the bill for the National Aquaculture Act, Federal involvement with the private sector could very well decrease.

The economic impact of the legislation will be minimal. Reduced activities under the National Aquaculture Act may result in the private sector taking over responsibility for some data collection efforts. However, the level of aquaculture activity by the Federal Government to date has been relatively low so there will be no major new burden placed on the private sector. Also, any activities picked up by the private sector will be done so voluntarily.

There will be no impact on the personal privacy of individuals from this bill.

There will be no additional paperwork requirements for either Government officials or the private sector.

Section-by-Section Analysis

Section 1

Amends the National Aquaculture Act of 1980. Specifically, section 10 of that act is amended to extend authorization for an addiitonal 3 fiscal years (1984, 1985, and 1986). The amount of authorization proposed for those years is $2 million each for Department of Commerce and the Department of Agriculture and $1 million for the Department of the Interior. This is a reduction from the act's current level of $12 million each for Commerce and Agriculture and $5 million for Interior.

Any moneys authorized under the Aquaculture Act are to be used for the development of a national aquaculture plan, for the conduct of research, and to provide technical assistance to the aquaculture industry. The Aquaculture plan, which is being formulated jointly by the Commerce, Agriculture and Interior Departments, should be submitted for congressional review in May of this year. The Committee insists upon the completion of this plan, which is already long overdue.

Section 2

Amends the Atlantic Tunas Convention Act of 1975. Specifically, section 10 of that act is amended to extend authorization for an additional 3 fiscal years (1984, 1985, and 1986). No specific funding level is provided by this act. The act authorizes "such sums as may be necessary."

Moneys appropriated under the Atlantic Tunas Convention Act are used to fund U.S. participation in the International Commission for the Conservation of Atlantic Tunas (ICCAT). This is the international organization responsible for monitoring and managing stocks of tuna in the Atlantic ocean. It is the U.S. position that highly migratory fish species, such as tuna, are best managed through international cooperative regimes. For this reason the United States continues to participate in ICCAT.

Section 3

Amends section 4(c) of the Fish and Wildlife Act of 1956. This program is commonly referred to as the Fisheries Loan Fund. The amendment provided here to section 4(c) will continue legislative authority for the Loan Fund for 1 additional fiscal year (1984).

The Loan Fund consists of moneys from fees paid by foreign nations whose vessels conduct fishing activities in U.S. waters. The Fund's purpose is to make loans to commercial fishermen for the purchase and equipping of fishing vessels. The Loan Fund is intended to provide a financial source of last resort when loan money is unavailable to the open market. Although foreign fishing fees are automatically deposited into the Fund, they cannot be obligated without a specific appropriation.

The authorization for the Loan Fund does not specify a limit on spending authority. Those limits are set by the availability of foreign fishing fees and the willingness of the Congress to appropriate moneys to be obligated from the Fund.

Reservations have been expressed by some members of the Committee about the traditional uses of the Fisheries Loan Fund. In response to these concerns, the Committee will review, later this year, possible alternate uses for moneys in the Fund which would be of more general benefit to the U.S. fishing industry.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

Section 10 of the National Aquaculture Act of 1980

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 10. For purposes of carrying out the provisions of this Act, 16 USC 2809, there are authorized to be appropriated—

(1) to the Department of Agriculture—
  (A) $7,000,000 for fiscal year 1981,
  (B) $10,000,000 for fiscal year 1982, [and]
  (C) $12,000,000 for fiscal year [1983;] *1983, and*
  (D) $2,000,000 for each of the fiscal years 1984, 1985, and 1986;

(2) to the Department of Commerce—
  (A) $7,000,000 for fiscal year 1981,
  (B) $10,000,000 for fiscal year 1982, [and]
  (C) $12,000,000 for fiscal year [1983; and] *1983, and*
  (D) $2,000,000 for each of the fiscal years 1984, 1985, and 1986; and

(3) to the Department of the Interior—
  (A) $3,000,000 for fiscal year 1981,
  (B) $4,000,000 for fiscal year 1982, and

(C) $5,000,000 for fiscal year [1983] *1983, and*

(D) $1,000,000 for each of the fiscal years 1984, 1985, and 1986.

Funds authorized by this section shall be in addition to, and not in lieu of, funds authorized by any other Act.

SECTION 10 OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975

APPROPRIATIONS

SEC. 10. There are authorized to be appropriated out of any monies in the Treasury not otherwise appropriated, for fiscal year 1976, the period beginning July 1, 1976, and ending September 30, 1976, and fiscal years 1977, 1978, 1979, 1980, 1981, 1982, [and 1983] *1983, 1984, and 1985, and 1986* such sums as may be necessary for carrying out the purposes and provisions of this Act, including—

(1) necessary travel expenses of the United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code; and

(2) the United States share of the joint expenses of the Commission as provided in article X of the convention.

SECTION 4 OF THE FISH AND WILDLIFE ACT OF 1956

SEC. 4. (a) * * *

(b) * * *

(c) There is created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before [September 30, 1983] *September 30, 1984* in payment of principal or interest on any loans so made shall be deposited in the fund and be available for making additional loans under this section. Any funds received in the fisheries loan fund after [September 30, 1983] *September 30, 1984* and any balance remaining therein at the close of [September 30, 1983] *September 30, 1984* (at which time the fund shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fisheries loan fund the sum of $20,000,000 to provide initial capital.

(d) * * *

(e) * * *

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